

Extraordinary appeal

Abstract

In my master's thesis I deal with one of the extraordinary remedial measures in criminal proceedings. The extraordinary appeal, along with the complaint against the violation of the law and the retrial, is a formalized extraordinary remedial measure. It can be used only to contest decisions of the court in the second instance if decided on its merits and permitted by law. It was introduced into the Czech legal system particularly to grant equal rights to both parties, when the accused himself may file an extraordinary appeal in the Supreme Court through his defence counsel.

The aim of the thesis is to provide the reader with a comprehensive analysis of individual provisions of the Code of Criminal Procedure dealing with the extraordinary appeal in relation to case law of the Supreme Court and the Constitutional Court of the Czech Republic and professional literature, focusing on problematic aspects of the extraordinary appeal in criminal proceedings. The thesis is based mainly on professional literature and case law and uses descriptively-analytical and comparative writing method.

The thesis consists of introduction and ten chapters, which are further divided into subchapters and conclusion. The first chapter deals with the concept of the extraordinary appeal, it is an introductory chapter that includes its substance and purpose. The next chapters follow the system of the Code of Criminal Procedure dealing with the extraordinary appeal, such as its admissibility, including particular types of decision against which the extraordinary appeal can be filed, relation to the effectiveness of the Code of Criminal Procedure and inadmissibility, contents, withdrawal, persons who can file an extraordinary appeal and the appellate procedure together with the decision of the Supreme Court on the extraordinary appeal. The longest chapter focuses on particular grounds for extraordinary appeal, with emphasis on extensive case law and practical examples. The last chapter is devoted to the comparison of the Czech and Slovak regulation of extraordinary remedial measures with a focus on extraordinary appeal. At the end of the thesis I summarize *de lege ferenda* proposals, which also appear in the individual chapters.

Key words

Extra ordinary remedial measure, extraordinary appeal, The Supreme Court of the Czech Republic.